

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ELVIN MERCADO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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) Civil No. 04-11653-PBS  
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**MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM OF LAW  
IN FURTHER SUPPORT OF PETITIONER'S AMENDED MOTION UNDER  
28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE**

Petitioner Elving Mercado hereby moves pursuant to Local Rule 7.1(B)(3) for leave to file a reply memorandum in further support of its Amended Motion under 28 U.S.C. § 2255 ("Amended Motion"). The proposed reply memorandum is submitted herewith. As reasons for this motion, Petitioner states the following:

1. On December 7, 2005, Petitioner filed his Amended Motion and supporting memorandum.
2. On April 24, 2006, the government filed its opposition memorandum.
3. The reply memorandum contains analysis and authority that will assist the Court in its consideration of Petitioner's Amended Motion.

Respectfully submitted,

/s/ Roberto M. Braceras

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Dated: July 17, 2006

**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that counsel for Petitioner conferred in good faith with counsel for Respondent concerning the subject matter of this motion and did obtain her assent to the filing of a reply memorandum.

Dated: July 17, 2006

/s/ Roberto M. Braceras

Roberto M. Braceras

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 17, 2006.

Dated: July 17, 2006

/s/ Roberto M. Braceras

Roberto M. Braceras